

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH GIBBS,

No. C-13-0860 TEH (PR)

Plaintiff,

ORDER DISMISSING CLAIM AGAINST
DEFENDANT ACOSTA

v.

CARSON, et al.,

(Doc. # 26)

Defendants.

On April 1, 2013, Plaintiff filed a civil rights complaint under 42 U.S.C. § 1983 against thirty-nine named Defendants. Doc. #9. On May 8, 2013, the Court issued an Order Serving Cognizable Claims against eleven Defendants. Doc. #16. In that Order, the Court found that Plaintiff had stated a cognizable claim for excessive force against Defendant Sgt. Acosta. Doc. #16 at 11.

Plaintiff has filed a letter stating that Sgt. Acosta did not use excessive force against him. The Court construes this as Plaintiff's motion to voluntarily dismiss the claims against Sgt. Acosta and grants this motion. Therefore, pursuant to Plaintiff's request, the excessive force claim against Sgt. Acosta is DISMISSED.

IT IS SO ORDERED.

DATED 07/31/2013


THELTON E. HENDERSON
United States District Judge

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